In the Supreme Court of the United States

OCTOBER TERM, 1964

No. 865

ATHANASIOS PATSIS a/k/a THOMAS NICKAS,
PETITIONER

v.

IMMIGRATION & NATURALIZATION SERVICE

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

MEMORANDUM FOR THE RESPONDENT IN OPPOSITION

We respectfully invite the attention of the Court to the following facts which show that the petition was filed out of time:

The judgment of the court of appeals was entered on October 29, 1964. (Pet. 2; Record, Volume 2, p. 19). The petition for a writ of certiorari was filed on January 29, 1965, ninety-two days later.

Section 2101(c) of Title 28 of the United States Code provides that "any writ of certiorari intended to bring any judgment or decree in a civil action, suit or proceeding before the Supreme Court for review shall be taken or applied for within ninety days after the entry of such judgment or decree." Since these limits are jurisdictional, the petition should be dismissed as untimely.

Respectfully submitted,

ARCHIBALD COX,
Solicitor General.

MARCH 1965.